UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HILLARY BRODY,

         Plaintiff,   No. 20-11663

v.   District Judge George Caram Steeh
                                      Magistrate Judge R. Steven Whalen

CULTURESOURCE, ET AL.,

         Defendants.

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ORDER

Pursuant to this Court's order of April 8, 2021 [ECF No. 38], Defendants have submitted for *in camera* review the emails, and portions of emails, to which they claim attorney-client and/or work product privilege.

"The elements of the attorney-client privilege are as follows: (1) where legal advice of any kind is sought (2) from a professional legal advisor in his capacity as such, (3) the communications relating to that purpose, (4) made in confidence (5) by the client, (6) are at his instance permanently protected (7) from disclosure by himself or by the legal advisor, (8) unless the protection is waived." *Reed v. Baxter*, 134 F.3d 351, 355–56 (6th Cir.1998) (citing *Fausek v. White*, 965 F.2d 126, 129 (6th Cir.1992)). Corporations are entitled to the protections of the privilege as to communications with board members and key employees. *Upjohn v. United States*, 449 U.S. 383, 397 (1981).

Having reviewed the material that Defendants withheld, I find that it is in fact protected by the attorney-client privilege, i.e., the contents of the emails relate specifically to legal advice. Even those emails that are not specifically directed or copied to an attorney contain a recitation of advice from an attorney, either in verbatim or summary

form.

Accordingly, Plaintiff is not entitled to production of the material that Defendant withheld on the basis of privilege.

IT IS SO ORDERED.

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: April 8, 2021

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on April 8, 2021, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla
Case Manager to the
Honorable R. Steven Whalen